HEWLETT-PACKARD COMPANY Intellectual Property Administration P. Box 272400

ns, Colorado 80527-2400

PATENT APPLICATION

ATTORNEY DOCKET NO. ___10991144-5

IN THE

JAN 1 8 2005 🞖

UNITED STATES PATENT AND TRADEMARK OFFICE

Invento

Izhak Baharav et al.

Confirmation No.: 8820

经的 cation No.: 10/692,610

Examiner: Hess, Daniel A

Filing Date:

Oct. 24, 2003

Group Art Unit: 2876

Title:

A METHOD AND APPATUS FOR GENERATING AND DECODING A VISUALLY

SIGNIFICANT BARCODE

Mail Stop AF Commissioner for Patents PO Box 1450 Alexandria, VA 22313-1450

TRANSMITTAL LETTER FOR RESPONSE/AMENDMENT

Sir:			
Γran	smitted herewith is/are the following in the above-ide	ntified app	olication:
X)	Response/Amendment	()	Petition to extend time to respond
X)	New fee as calculated below	()	Supplemental Declaration
(No additional fee		
X)	Other: Request to Withdraw Finality of Rejection		(fee \$

CLAIMS AS AMENDED BY OTHER THAN A SMALL ENTITY										
(1) FOR	(2) CLAIMS REMAINING AFTER AMENDMENT	(3) NUMBER EXTRA	(4) HIGHEST NUMBER PREVIOUSLY PAID FOR		(5) PRESENT EXTRA		(6) RATE		(7) ADDITIONAL FEES	
TOTAL CLAIMS	21	MINUS		20	=	1	x	\$50	\$	50
INDEP. CLAIMS	2	MINUS		3	=	0	×	\$200	\$	0
[] FIRST PRESENTATION OF A MULTIPLE DEPENDENT CLAIM + \$360									\$	0
EXTENSION FEE	1ST MONTH \$120.00	i	MONTH	3RD MON \$1020.0		'''	1 MON 590.0		\$	0
OTHER FEES								\$		
TOTAL ADDITIONAL FEE FOR THIS AMENDMENT								\$	50	

Charge \$______ to Deposit Account 08-2025. At any time during the pendency of this application, please charge any fees required or credit any overpayment to Deposit Account 08-2025 pursuant to 37 CFR 1.25. Additionally please charge any fees to Deposit Account 08-2025 under 37 CFR 1.16 through 1.21 inclusive, and any other sections in Title 37 of the Code of Federal Regulations that may regulate fees. A duplicate copy of this sheet is enclosed.

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Commissioner for Patents, Alexandria, VA 22313-1450.

Date of Deposit: Jan. 14, 2005

Typed Name: Edouard Garcia

Signature:

Respectfully submitted,

Izhak Baharav et al.

Edouard Garcia

Attorney/Agent for Applicant(s)

Reg. No. 38,461

Date: Jan. 14, 2005

Telephone No.: (650) 631-6591

Rev 12/04 (TransAmd)

- Attach as First Page to Transmitted Papers -



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Doron Shaked et al.

Art Unit: 2876

Serial No.: 10/692,610

Examiner: Hess, Daniel A.

Filed

: October 24, 2003

Title

: A METHOD AND APPATUS FOR GENERATING AND DECODING A

VISUALLY SIGNIFICANT BARCODE

Commissioner for Patents P.O. Box 1450 Washington, D.C. 20231

REQUEST FOR RECONSIDERATION AND WITHDRAWAL OF EXAMINER'S PREMATURE FINAL REJECTION

Applicant requests that the Primary Examiner review the Examiner's final action dated October 19, 2004, and withdraw the finality of the action for the reasons explained below.

As explained in MPEP § 706.07(a):

Under present practice, second or any subsequent actions on the merits shall be final, except where the examiner introduces a new ground of rejection that is neither necessitated by applicant's amendment of the claims nor based on information submitted in an information disclosure statement filed during the period set forth in 37 CFR 1.97(c) with the fee set forth in 37 CFR 1.17(p).

In the Office action dated October 19, 2004, the Examiner has asserted that (original emphasis):

> Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, THIS ACTION IS MADE FINAL.

CERTIFICATE OF MAILING

I hereby certify that this correspondence is being deposited with the United States Postal Service as First Class Mail in an envelope addressed to: Commission for Patents, PO Box 1450, Alexandria, VA 22313-1450

	January 14, 2005
	Date
_	
	(Signature of person mailing papers)
	Edouard Garcia

(Typed or printed name of person mailing papers)

Applicant: Doron Shaked et al. Attorney's Docket No.: 10991144-5

Serial No.: 10/692,610 Filed: October 24, 2003

Page : 2 of 2

Contrary to the Examiner's assertion, however, the Examiner has introduced a new ground of rejection that was not necessitated by applicant's amendment of the claims. In particular, in the Examiner's action dated April 21, 2004, the Examiner's only rejection of independent claim 20 and 21, which depends from claim 20, was under 35 U.S.C. § 102(b) over Cass (U.S. 5,946,414). In the Response dated July 12, 2004, applicant did not amend claims 20 and 21. In the subsequent Office action dated October 19, 2004, the Examiner's only rejection of claims 20 and claim 21 was under 35 U.S.C. § 102(b) over Tow (U.S. 5,315,098). That is, the Examiner has changed the basis for rejecting claims 20 and 21 from 35 U.S.C. § 102(b) over Cass (U.S. 5,946,414) to 35 U.S.C. § 102(b) over Tow (U.S. 5,315,098). Thus, the Examiner has introduced a new ground of rejection of claims 20 and 21 that was not necessitated by any amendment of these claims.

Accordingly, the finality of the Examiner's rejection should be withdrawn. Charge any excess fees or apply any credits to Deposit Account No. 08-2025.

Respectfully submitted,

Date: January 14, 2005

Edouard Garcia Reg. No. 38,461

Telephone No.: (650) 631-6591

Please direct all correspondence to:

Hewlett-Packard Company Intellectual Property Administration Legal Department, M/S 35 P.O. Box 272400 Fort Collins, CO 80528-9599

Attorney's Docket No.: 10991144-5



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Doron Shaked et al.

Art Unit: 2876

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Commissioner for Patents P.O. Box 1450 Alexandria, VA 22313-1450

AMENDMENT

In response to the Examiner's action dated October 19, 2004, please amend the application as follows:

Amendments to the claims are reflected in the listing of claims that begins on page 4 of this Amendment.

Remarks begin on page 5 of this Amendment.

CERTIFICATE OF MAILING

I hereby certify that this correspondence is being deposited with the United States Postal Service as First Class Mail in an envelope addressed to: Commission for Patents, PO Box 1450, Alexandria, VA 22313-1450

January 14, 2005	
Date	
(Signature of person mailing papers)	
Edouard Garcia	
(Typed or printed name of person mailing papers)	

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